THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No104 of 2006

Date: 04.01.2006

Between:

M/s.Andhra Cylinders.

.. PETITIONER

AND

The Commissioner of Industries and another.

.. RESPONDENTS

ORDER:

The petitioner is a small-scale industry. It has been extended the benefit of sales tax deferment, on the basis of the policy of the State Government. However, through proceedings, dated 01.07.2004, the Additional Director of Industries had withdrawn the incentive, on the ground that the petitioner had suppressed the facts and availed the benefits surreptitiously.

The petitioner states that it approached the 1st respondent through a representation. On a consideration of the same, the 1st respondent issued a letter, dated 30.07.2004, deferring further action, until the matter is considered afresh. The petitioner further states that the Enforcement Wing of the Industries Department issued a notice, dated 27.08.2005, in relation to the withdrawal of the incentive, and that a reply has since been submitted. It is complained that without passing any final orders, the respondents are now taking coercive steps to recover various amounts towards arrears of tax.

Heard the learned counsel for the petitioner and the learned Government Pleader for Industries.

The incentive, which was extended to the petitioner, has, in a way, been withdrawn through proceedings, dated 01.07.2004. However, on a representation made by the petitioner, the 1st respondent issued a letter dated 30.07.2004, deferring further action, pending consideration of the representation. It is not known as to whether any subsequent orders or clarifications have been issued, thereafter.

The petitioner was issued a notice, dated 27.08.2005, by the Vigilance and Enforcement Officer of the Industries Department, whereunder the petitioner was required to answer as many as eight queries. The petitioner states that it has submitted the explanation within the stipulated time. Once the respondents have chosen to issue notice and called for the explanation of the petitioner, the further action can take place only after the final orders are passed thereon.

Hence, the Writ Petition is disposed of, directing that the respondents shall not take any coercive steps against the petitioner, without passing any final orders in pursuance of the notice, dated 27.08.2005. There shall be no order as to costs.

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04.01.2006

Jsu